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In the matter of )  
 ) WT Docket 98-143  
1998 Biennial Review ) RM-9148  
-Amendment of Part 97 ) RM-9150  
of the Commission's ) RM-9196  
Amateur Service Rules )

COMMENTS OF: David L Heller, K3TX

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I. INTRODUCTION AND SUMMARY

I file these comments on 27 November 1998 in the FCC's Notice of Proposed Rulemaking, WT Docket No 98-143.

In summary, I believe simplification of the licensing structure has merit but is not urgent. Several proposed changes have great merit, whereas others will possibly degrade the Amateur service and should be approached with reservation. Proposed changes for which I have no factual basis for comment are not addressed herein.

Novice and RACES licenses are no longer needed. Any significant reduction of telegraphy examination requirements will on balance be harmful to the service while providing no long-term benefit. The code-waiver program should be eliminated or modified.

I have been a licensed Amateur operator approximately forty (40) years with continual activity encompassing actual operations on Amateur frequencies, local club activities (including holding various appointive and elective posts), activity in the American Radio Relay League (including holding varied appointive posts, currently including Assistant Director, Assistant Section Manager, Official Observer); continued involvement in Amateur-related Radio Frequency Interference problems, the volunteer examiner program (I have supervised more than 150 examination sessions since 1984), involvement as writer and publisher in the Amateur press, both national and local. I have held the Extra-class license since 1964.

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## II NUMBER OF AMATEUR SERVICE LICENSE CLASSES

The present six (6) license classes have not presented any burden to the Volunteer Examiner group I have headed for fourteen years, nor does it seem unreasonable. The elimination of the Novice class is discussed in III below. The present entry level, No-code Technician, appears to be working fairly well. The present separation of lower-classes and General-Advanced-Extra does not appear to be flawed, and should not be changed. The thirty-year-old incentive licensing program appears to me to work - those interested enough in gaining extra privileges are studying as required to pass the needed tests for advancement. I believe the Amateur privileges should be earned; the present system requires just that, with no insurmountable obstacles.

## III IMPORTANCE AND DISPOSITION OF THE NOVICE CLASS

Since the Technician license has essentially replaced the Novice class as entry level the discontinuance of new Novice issuance would be acceptable. However, since the Novice examination requires virtually no technical competence "grandfathering" into a higher license is objectionable. Expansion of Novice privileges to all CW subbands, and removal of power restrictions within the current Novice sub-bands for higher grade licensees would assist the service generally. Phasing out the Novice class licenses is desirable.

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The proposal to discontinue issuance of new Novice licenses while renewing those presently in force is not objectionable. The proposed elimination of Technician Plus from the database while maintaining privileges, as proposed, appears acceptable.

#### IV ADVANCED CLASS VE'S FOR THE GENERAL CLASS

Any lowering of standards for Amateurs qualified to administer examinations is not acceptable. I agree that there are many lower-grade licensees more qualified for examination administration than some Extra class licensees; that VE activities are a burden. However, since about ten percent of all licensees are Extras and thus eligible for accreditation there should be no shortage of Extra volunteers. There may be isolated instances where expansion of the VE pool is needed; in such, one-by-one special accommodations by VEC's could be permitted.

#### V PHASING OUT RACES STATION CALL SIGNS

There is no real need for special RACES call signs; there is no reason why these few special station calls should not be permitted to expire without renewal.

#### VI ENFORCEMENT IN THE AMATEUR SERVICE

Rules compliance through the Amateur Service is overall

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excellent. The majority of violations are unintentional and are adequately handled by the existing Official Observer program of the ARRL. The miniscule number of serious offenders create intolerable problems which presently are not being acceptably handled. I lack the legal knowledge to offer any practical solution; continued study by the Commission together with ARRL and other responsible organizations hopefully can improve the situation.

#### VII TELEGRAPHY EXAMINATION REQUIREMENTS

The telegraphy requirements for classes other than Technician (which requires no code) should be essentially unchanged. Reduction of the General and Advanced code requirement to ten (10) words per minute may be acceptable; any reduction of the Extra requirement, twenty (20) words per minute, is not acceptable. The Extra license conveys the prestige of the top grade in addition to the small specially reserved sub-bands. Many Extra licensees consider obtaining this top class to be a special accomplishment as much as to obtain access to the Extra privileges. Degradation of the class can serve no useful purpose.

The present code examination permits fill-in-the-blanks or multiple choice tests as well as one minute solid copy. This permits some examiners to fabricate tests very easy to pass without a decent knowledge of the code. Additionally, exam preparation is an added burden for the VE's. The one minute solid copy of a five minute tape

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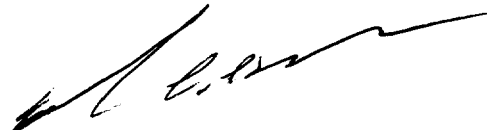
should be required. This system worked well prior to the inception of the VE program, and still works well for commercial telegraph tests.

The desirability of continuing the requirement of any code examination is addressed in appendix A.

#### VIII WRITTEN EXAMINATION REQUIREMENTS

The present system wherein the Volunteer Examiner Coordinators devise the content of the question pools and oversee their administration appears to work very well. It should be maintained without any change not requested by the VEC's.

Respectfully submitted by



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## APPENDIX A

### IS ANY CODE REQUIREMENT NECESSARY OR DESIRABLE

Numerous rationales have been made for and against maintaining the code proficiency requirement for full Amateur licensing. Several of these are examined:

#### TO ELIMINATE CODE REQUIREMENT

1           The code is obsolete. It has been abandoned by the military and both land and marine commercial users.

Comment:       There is no correlation between military/commercial and Amateur needs. The Amateur service is admittedly a hobby service, though it justifies its existence through the communications training and public service communications it can and does provide. A fitting analogy: pleasure use of sailboats continues though their commercial and military use is near zero.

2           Amateur concentration should be on the modern digital modes of information exchange. The code is archaic and should be discarded.

Comment:       Amateur use of the latest exotic modes of transmission should be encouraged, and in fact is encouraged by the rules and by the

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amateur community generally. This does not mean that more basic modes should be discouraged except when such more crude modes may by their nature increase congestion of the limited bandwidth available. Such inefficient modes as spark and more recently double-sideband A.M. have disappeared due to their propensity to increase congestion. C.W. transmissions, occupying minimal bandwidth, do not fall into that category.

3 Many new licensees emphasize that they have no interest in the code and thus should not be forced to learn it.

Comment: This objection is addressed in Appendix B

ii REASONS FOR MAINTAINING THE CODE REQUIREMENT

1 Code is a traditional part of Amateur Radio and therefore should be perpetuated.

Comment: Radio has progressed greatly in the past 80 plus years. In the beginning code transmission was the only available mode. Since a great number of modes have evolved, with more certain to come dedication of any part of any service to tradition is at best wasteful and undesirable.

2 Many current Amateur licensees say that since they had

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to learn the code everyone should have to learn it.

Comment: A reason not worthy of consideration.

3 Code transmissions can get through when no other mode can function.

Comment: True. In the worst of conditions information can be passed through C.W. code when all other modes fail. This fact finds application in hobby and experimental Amateur operations both in contests and weak-signal (such as meteor scatter and earth-moon-earth) operations. More important, in occasional emergency situations, such as search-and-rescue, there are times when C.W. code communications are the only thing that actually gets through.

#### APPENDIX B

##### REASON FOR CODE PROFICIENCY BEING REQUIRED FOR LICENSING

Most individuals entering Amateur Radio have a good idea ahead of time what sort of operations they will engage in. Very few think they'll want to bother with the code. They learn it only because it's needed for the license.

Those who have learned the code, especially those who aspire to the Extra class license, frequently try it on-the-air, if only to bring their proficiency up to passing the next licensing exam in progression. Some hate using it and once the exam is passed they discard the key for

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good. Some find the code enjoyable, use it regularly, and become proficient code operators.

The important point is that without the coercion to learn at least basic code in the first place very few would give it a fair try on-the-air. Code differs from voice and most digital modes. Most of us could talk long before taking an Amateur test. We had to learn the code from the bottom up. Without initial coercion there would be far fewer active C.W. operators.

Learning the code is not difficult though it does take some time and effort. Some individuals learn it very quickly; some need much practice. The ease of learning the code is not a factor in an individual's ultimate proficiency or interest in its use once a degree of proficiency is attained.

Handicapped individuals are not impeded from becoming amateur licensees by the code requirements. Permitted accommodations in testing allow almost everyone, regardless of physical problem, to pass the advanced levels of code proficiency. Medical waivers are permitted for the very few (if any) who are actually unable to pass the tests.

If the code requirements are significantly decreased or eliminated few new licensees will ever bother with the code in their operating. The losers will be both most of the new licensees and amateur radio in general. There will be no real winners.

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#### APPENDIX C

##### CODE WAIVER PROGRAM

The medical waiver program for medium and high speed code applicants has been tried and has been a total failure. The premise that anyone should be able to get a license regardless of his ability to pass required tests is faulty. Not everyone can have everything. Are the blind entitled to drivers licenses.

A submission by the American Radio Relay League requested that volunteer examiner teams be permitted to investigate waivers submitted by allegedly handicapped individuals and request individuals submitting such waivers attempt the test(s) for which they have requested such waiver.

I have, in my capacity as volunteer examiner, been given waivers. All were completed in good faith by medical providers with absolutely no knowledge of what the code examination entails. The applicants whose waivers appeared legitimate to our VE group all were anxious to take the regular test. Some accommodations as provided by the rules were made as we saw fit; all such applicants passed their code tests and were quite happy to destroy their medical waiver.

We have had one "fake" applicant with waiver. We ascertained that he had no desire to practice and learn the code, preferring to convince a unknowing physician to sign his form.

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The code waiver program is not (or should not be) intended to permit individuals with or without handicaps to receive unearned credit for code examinations. Everyone, handicapped or not, wishing to become licensed should be required to study and practice the examination requirements to a reasonable extent.

There has been concern that the added privileges requested by A.R.R.L. in their submission would be discriminatory against the handicapped. In practice our V.E. team has found this not to be true, and strongly urge the Commission to reconsider the A.R.R.L. request.

The code waiver program in its present form has been given a fair trial, and has been a total failure. It has produced a number of second grade, liar operators, has produced the greatest of frustrations to the affected V.E. teams, and has infuriated the many severely disabled persons who have passed all code and theory exams without accommodations other than those needed by their disabilities - such as reading questions and describing diagrams to blind applicants.

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